

TOWN OF MORINVILLE

BYLAW # 21/98

BEING A BYLAW OF THE TOWN OF MORINVILLE IN THE PROVINCE OF ALBERTA TO AMEND THE TOWN OF MORINVILLE FIRE CONTROL BYLAW NO. 2/96.

**WHEREAS** a Council may pass bylaws pursuant to section 7 of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M.26.1 as amended, for the safety, health and welfare of people and the protection of people and property.;

**AND WHEREAS** the Council deems it in the public interest to amend Bylaw 2/96.

**NOW THEREFORE** the Council duly assembled, hereby **ENACTS AS FOLLOWS:**

1. That section 3(b) of Part II be deleted.
2. That Section 4 Part II be added to read as follows:
  4. A fire within an Acceptable Fire Pit shall only be used subject to the following conditions:
    - (a.) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit below the mesh screen;
    - (b.) the fire pit is not used to burn prohibited debris;
    - (c.) a means, acceptable to the fire chief, of controlling or extinguishing the fire is available on the property and within a reasonable distance from where the fire occurs; and
    - (d.) a responsible adult is present on the property when the fire is burning.
3. This bylaw comes into full force and effect upon third and final reading.

READ a first time this 7th day of July, 1998.

READ a second time this 7th day of July, 1998.

READ a third time and finally passed this 7th day of July, 1998.

  
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Mayor

  
\_\_\_\_\_  
Town Manager

**TOWN OF MORINVILLE**

**FIRE CONTROL BYLAW**

**BYLAW #2/96**

**WHEREAS**, the Municipal Government Act, S.A. 1994 being Chapter M-26.1 and amendments thereto provides that a Council of a Municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property.

**NOW THEREFORE** the Council of the Town of Morinville in the Province of Alberta, duly assembled enacts as follows:

**PART 1 DEFINITIONS**

1. In this Bylaw:

- (a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
  - (i) a minimum of 3 metres clearance, measured from the nearest fire pit edge, is maintained from structures, property lines or other combustible material;
  - (ii) the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
  - (iii) the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
  - (iv) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief; and,
  - (v) a spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (b) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:
  - (i) a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
  - (ii) the fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
  - (iii) the fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
  - (iv) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - (v) the base of the fire burning area is not less than .3 metres above the surrounding grade; and,
  - (vi) the fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.
- (c) "Burnable Debris" means materials other than Prohibited Debris burned in accordance with the permit and all applicable statutes and bylaws including but not limited to materials such as:
  - (i) straw and stubble;
  - (ii) grass and weeds;
  - (iii) leaves and tree prunings;
  - (iv) coal for ground thawing;
  - (v) brush and fallen trees on newly cleared land or associated with logging operations;

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- (vi) used power, telegraph and telephone poles that do not contain wood preservatives; and,
- (vii) wooden material from the construction or demolition of buildings which does not contain wood preservatives.
- (d) "Bylaw Enforcement Officer" means person or persons appointed pursuant to the provisions of Section 556 of the Municipal Government Act being Chapter M-26.1, S.A. 1994 and amendments thereto.
- (e) "Fire Chief" means the person appointed by Council, who performs the duties and responsibilities of a Fire Chief or his appointed delegate .
- (f) "Open Air Fire Permit" means the permit to burn issued by the Fire Department in accordance with this Bylaw, hereinafter referred to as the "Permit".
- (g) "Portable Barbecuing Appliance" means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquified petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
- (h) "Prohibited Debris" means any inflammable waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances as defined in any applicable statutes and bylaws including but not limited to:
  - (i) animal cadavers;
  - (ii) animal manure;
  - (iii) pathological waste;
  - (iv) non-wooden material;
  - (v) combustible material in automobiles;
  - (vi) combustible material in automobile bodies;
  - (vii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - (viii) fires;
  - (ix) used oil;
  - (x) wood or wood products containing substances for the purpose of preserving wood; and,
  - (xi) household refuse;
- (i) "Safety Codes Officer" means person or persons appointed by Council pursuant to Section 29 of the Safety Codes Act, S.A. 1991 and amendments thereto.
- (j) "Town" means the Town of Morinville.

**PART 2 OPEN AIR FIRES PROHIBITED**

- 2. No person shall permit an open air fire, allow ground thawing, or any other fire upon land owned, occupied, or under his or her control within the Town, unless a Permit has been obtained, the provisions outlined on the Permit are complied with, and Burnable Debris is burned.
- 3. Notwithstanding Section 2, a Permit shall not be required under this Bylaw to conduct:
  - (a) the cooking of food using a Portable Barbecuing Appliance;
  - (b) recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided:
    - (i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
    - (ii) the fire pit or fireplace is not used to burn Prohibited Debris;
    - (iii) a means, acceptable to the Fire Chief , of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;

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- and
- (iv) a responsible adult is present on the property when the fire is burning.
  - (c) burning in fireplaces in or attached to dwelling as provided by legislation;
  - (d) burning in Town owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
  - (e) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
  - (f) burning of a smudge fire confined within a noncombustible receptacle that is set on land of 0.5 hectares or more, for the purpose of repelling insects or preventing frost in an orchard or garden;
  - (g) burning by the Fire Department for the purpose of training it's members.

**PART 3 FIREWORKS**

**4. Definitions**

- (a) "Firecrackers" means any device that explodes instantaneously when ignited and does not produce any subsequent display or visible effect after the explosion and, without restricting the generality of the foregoing, includes those devices commonly know as chinese fire crackers, but does not include paper caps containing not more than 16.2 mg of grain or explosive per cap or devices to be used with the paper caps;
- (b) "Fireworks" means any firework composition, manufactured fireworks and shop goods.
- (c) "Firework Composition" means any chemical compound or mixed preparation of an explosive or flammable nature that is used for the purpose of making manufactured fireworks.
- (d) "Shop Goods" means manufactured fireworks that are not liable to explode violently and, without restricting the generality of the foregoing, includes firework showers, fountains, golden rain, lawn lifts, pinwheels, roman candles, sparklers, toy caps and volcanoes, but does not include rockets or salutes or any other type of fireworks not authorized for sale under the EXPLOSIVES ACT (CANADA) and regulations thereunder.

**5. Conditions**

It shall be unlawful for any person or persons to offer to sell, expose for sale, sell at retail, or use or explode any fireworks or firecrackers, within the Town of Morinville. The ignition or explosion of fireworks or firecrackers will be allowed only as organized neighbourhood displays.

**PART 4 PROCEDURE TO OBTAIN A PERMIT**

- 6. Persons wishing to obtain a permit must complete an application which will be processed by the Fire Chief or a member of the Fire Department who is qualified to process the application.
- 7. Each application for a Fire or Fireworks Permit must contain the following information:
  - (a) the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire or set off fireworks;
  - (b) the legal or municipal description of the land on which the applicant proposes to set a fire or set off fireworks;

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- (c) the type and description of material which the applicant proposes to burn;
  - (d) the period of time for which the Permit is required;
  - (e) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
  - (f) the signature of the applicant; and,
  - (g) the written consent to the proposed fire or fireworks by the owner of the land (if different than the applicant).
8. Upon receipt of an application for a Permit, the Fire Chief or his alternate shall consider the Permit application, and may, pursuant to the provisions of this Bylaw, Alberta Fire Code and the Safety Codes Act:
- (a) refuse to grant a Permit;
  - (b) grant a Permit with or without terms and conditions as he deems appropriate; or
  - (c) determine that a permit is not required.
9. Without limiting the generality of section 8, if a fire pit is not an Acceptable Fire Pit or if a fireplace is not an Acceptable Fireplace, the Fire Chief may issue a permit if satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.
10. Fireplace and fire pit permits will be issued for a period of five years. Fireplace or fire pit permits shall remain with the property for which it was issued and are not transferable to another property.
11. Open air and fireworks permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and the Permit shall have endorsed thereon the period of time for which the said Permit is valid. The Fire Chief may extend the period of time that an open air or fireworks permit is valid, provided the Permit has not expired. A permit shall not be transferable.
12. Required permit fees are as outlined on "Schedule A" attached.

**PART 5 QUALITY MANAGEMENT PLAN**

13. Provisions of the Quality Management Plan for Fire Discipline as approved under Bylaw 14/95, must be adhered to.

**PART 6 DUTIES OF THE FIRE CHIEF**

14. To supervise the operation of the Fire Department and shall include but is not limited to:
- a) Appoint the Deputy Chiefs and all operations officers who shall be accountable to the Fire Chief and subject to removal by him for just cause.
  - b) Select the members of the Fire Department from persons willing to serve thereon and he shall have the right to dismiss any or all members thereof for neglect of his duties, insubordination or other good cause.
  - c) Preparing the annual budget for the Fire Department.

**PART 7 OFFENSES AND PENALTIES**

15. The Fire Chief may terminate, suspend or cancel a Permit upon contravention of any provision of this Bylaw of the Alberta Fire Code or any terms and conditions found on the Permit.

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16. A person who contravenes any provision of this Bylaw is guilty of an offense and, upon issuance of a ticket, shall pay a fine as set out in "Schedule A" attached.
17. Where a person:
- (a) fails to obtain a Permit as required under this Bylaw; or
  - (b) obtains a Permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Permit; or
  - (c) originally did not require a Permit, but whose actions brought an open air fire under the requirement for a Permit as defined herein; and
- a fire or fireworks display beyond the control of the person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Morinville Fire Dept., and the Town shall be able to recover from such person all such costs as a debt owing to the municipality.

Bylaw 21/80 is hereby rescinded.

This bylaw shall come into effect upon receiving third reading.

READ a first time this 26 day of March, 1996.

READ a second time this 9 day of April, 1996.

READ a third time and finally passed this 14 day of May, 1996.

  
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Mayor

  
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Town Manager

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SCHEDULE A

Permit Fees:

Fire pit permit	\$20.00
Fireplace permit	\$20.00
Open Air fire permit	\$20.00
Fireworks permit	\$20.00
Extension of a permit	\$10.00

Fines:

Failure to apply for an open air fire permit	\$100.00
Sale of fireworks or firecrackers	\$250.00
Failure to apply for a fireworks permit	\$100.00
Other contraventions	\$50.00